



JC10 Rec'd PCT/PTO 16 JAN 2002 #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Siegbert VIAL**

Serial No.: 09/889,535

Examiner:

Filing Date: 17/JULY/2001

Group Art Unit:

For: **WRITING INSTRUMENT WITH
VARIABLY INCLINABLE TIP**

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS
CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE
AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.

BY *Lewis F. Gould, Jr.*
REG. NO. 25057
DATE November 12, 2001

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- ☒ Verified English Translation of International PCT/EP00/00368
- ☒ Response to Notification of Missing Requirements
- ☒ Please charge any additional fees to Deposit Account No. 04-1679.
This Transmittal Letter is submitted in duplicate.
- ☒ Check in the amount of \$130.00 for surcharge.
- ☒ Other: 1 return postcard.

01/25/2002 SNAJARRO 00000026 09889535

01 FC:156

130.00 OP

Respectfully submitted,

Date:

November 12, 2001

Lewis F. Gould, Jr.
Lewis F. Gould, Jr.

Registration No. 25,057

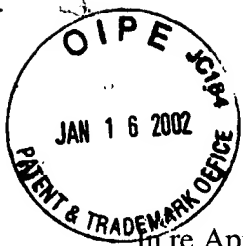
Duane, Morris & Heckscher, LLP

One Liberty Place

Philadelphia, PA 19103-7396

(215) 979-1282

Docket No.: 3241-72



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Siegbert VIAL**

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DATE November 12, 2001

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: BOX MISSING PARTS

Sirs:

Responsive to the Notification of Missing Requirements of in the U.S. Designated/Elected
Office, mailed on September 13, 2001, applicant submits herewith:

- (1) a verified English translation of Int'l Application No. PCT/EP00/00368;
- (2) a check in the amount of \$130.00 for the processing fee.
- (3) copy of Notification of Missing Requirements.

Applicants respectfully request that the enclosed verified English Translation of the patent
application be entered into the above-identified pending Patent Application, and that the application
be accepted for examination in the U.S.

Respectfully submitted,

Dated: November 12, 2001

Lewis F. Gould, Jr.
Lewis F. Gould, Jr.
Registration No. 25,057
DUANE, MORRIS & HECKSCHER, LLP.
One Liberty Place
Philadelphia, PA 19103
215-979-1282

Docket No.: 3241-72



VERIFICATION OF A TRANSLATION

for: **PCT/EP00/00368**
filed: **January 18, 2000**

I, the translator Ursula Falkner, hereby declare:

My name and post office address are as stated below.

I am knowledgeable in the English language and in the language in which the above identified application was filed, and that I believe the enclosed English translation of the International Patent Application as originally filed is a true and complete translation of the literal content.

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12. November 2001

Full Name of Translator: Ursula Falkner

Post Office Address: Ludwigstrasse 2
D-85622 Feldkirchen
Germany



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 17 2001

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889535		3241-72

LEWIS F GOULD
DUANE MORRIS & HECKCHER
ONE LIBERTY PLACE
PHILADELPHIA, PA 19103

INTERNATIONAL APPLICATION NO.

PCT/EP00/00368

I.A. FILING DATE	PRIORITY DATE
18 JAN 00	18 JAN 99

DATE MAILED:

13 SEP 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

MAMIE P PERSON